

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE

Call to Order: By **CHAIRMAN DIANE RICE**, on January 23, 2003 at 3:30 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Verdell Jackson, Vice Chairman (R)
Rep. Ralph Lenhart, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Norman Ballantyne (D)
Rep. Bob Bergren (D)
Rep. Norma Bixby (D)
Rep. Carol Lambert (R)
Rep. Bruce Malcolm (R)
Rep. Jim Peterson (R)
Rep. Brennan Ryan (D)
Rep. Veronica Small-Eastman (D)
Rep. Frank Smith (D)
Rep. Donald Steinbeisser (R)
Rep. Bill Thomas (R)
Rep. Karl Waitschies (R)

Members Excused: None.

Members Absent: None.

Staff Present: Lisa Gallagher, Committee Secretary
Krista Lee Evans, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Tape stamp refers to material immediately following.

Committee Business Summary:

Hearing & Date Posted: HB 317, 1/14/2003; HB 325,
1/15/2003
Executive Action: HB 47; HB 181; HB 311; HB 317; HB
322, HB 278

HEARING ON HB 325

Sponsor: REPRESENTATIVE JOHN WITT, HD 89, CARTER

Opening Statement by Sponsor:

{Tape: 1; Side: A; Approx. Time Counter: 0 - 4.2}

REP. JOHN WITT submitted his written testimony.

EXHIBIT(agh14a01)

REP. WITT also passed out a brochure on the Montana State Hail Insurance Program.

EXHIBIT(agh14a02)

Proponents' Testimony:

Robert Bold, Montana Grain Growers Association, submitted his written testimony.

EXHIBIT(agh14a03)

John Youngberg, Montana Farm Bureau, stated that they are in support of this bill.

Deanna Styren, Teton County, Member of WIFE, stated that she is in support of this bill.

Barbara Broberg, Women Involved in Farm Economics (WIFE), stated that they are in full support of this bill.

Chris Christiaens, Montana Farmers Union, stated that they are in support of this bill because Montana is losing insurance carriers for hail insurance.

Roger McGlenn, Executive Director of the Independent Insurance Agents Association of Montana, stated that he rises in support of this bill because the private sector cannot handle the capacity of farms that need hail insurance.

Will Kissinger, Deputy Director, Montana Department of Agriculture, submitted his written testimony.

EXHIBIT(agh14a04)

Larry Barbie, Hill County, stated that they are in support of this bill.

Opponents' Testimony: none

Questions from Committee Members and Responses: none

Closing by Sponsor:

REP. WITT said that this bill is very important to the economy, and especially to eastern Montana.

HEARING ON HB 317

Sponsor: REPRESENTATIVE JIM SHOCKLEY, HD 61, VICTOR

Opening Statement by Sponsor:

{Tape: 1; Side: A; Approx. Time Counter: 13.4 - 15.5}

REP. JIM SHOCKLEY said that it is in criminal statute that abusing an animal is a crime. What this bill will do is make it so if you are convicted of animal abuse the costs that the Humane Society incurs will have to be paid back. Line 3 of page 2 is the important line that has been inserted so that restitution will have to be paid in the case you are convicted of animal abuse.

Proponents' Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 15.6 - 19.1}

Gina Wiest, Lewis & Clark County Humane Society, read a letter from Linda Hughes, Montana Animal Care Vice President, and Dave Pauly, Director of the Humane Society of the United States of the Northern Rockies, stating that they are proponents of this bill that strengthens the Montana Animal Code Laws. She stated that cost-recovery is very important and they were not able to be here to testify because of a case of animal abuse that is tied up in court and is going to cost Tool County a lot of money. Restitution and cost-recovery are very important for both the public and private sector because they need to be able to do their jobs effectively and balance their budgets.

Opponents' Testimony: none

Questions from Committee Members and Responses:

REP. LAMBERT asked **REP. SHOCKLEY**, "Who pays now, if there is a court case?" **REP. SHOCKLEY** said that the Humane Societies are being stuck with these bills. The court can order restitution to be paid now, but this bill will make it clearer.

REP. LAMBERT asked **REP. SHOCKLEY** how the Humane Societies are funded. **REP. SHOCKLEY** said that they do not get State funds but are funded by the county and donations.

REP. BALLANTYNE said to **REP. SHOCKLEY**, "Often times the people who are convicted of animal abuse have no money. How are you going to collect?" **REP. SHOCKLEY** said that sometimes they do have money and this bill will enforce that being paid back. He also said that this bill will not have a whole lot of real world effect, but maybe real estate can be sold to pay restitution.

REP. ANDERSON asked **REP. SHOCKLEY** if property could be sold to cover the costs of restitution. **REP. SHOCKLEY** said that there are more statues in regard to restitution and that they are getting more enforceable.

REP. ANDERSON asked **REP. SHOCKLEY**, "What are duties that matured?" **REP. SHOCKLEY** said that means if animal abuse takes place before the effective date then this law does not apply.

Closing by Sponsor:

REP. SHOCKLEY urged a DO PASS on this bill.

EXECUTIVE ACTION ON HB: 317

Motion/Vote: **REP. BALLANTYNE** moved that **HB 317 DO PASS**. Motion carried 16-0 by voice vote.

EXECUTIVE ACTION ON HB: 311

Motion/Vote: **REP. BERGREN** moved that **HB 311 DO PASS**. Motion carried 16-0 by voice vote.

EXECUTIVE ACTION ON HB: 322

Motion: **REP. LAMBERT** moved that **HB 322 DO PASS**.

Discussion:

REP. PETERSON said that this bill has the potential to cause more difficulty than it will solve and it does not add a lot to the situation. For that reason he will be voting against it.

REP. WAITSCHIES said that he has received a lot of mail from back home opposing this bill, and so he will be voting against this bill.

REP. LAMBERT said that she will be voting no on this bill as well because of her constituents.

REP. LENHART said that neighbors and farmers should be able to take care of this by themselves.

REP. SMITH said that he will be voting no on this bill.

Motion/Vote: **REP. LAMBERT** moved that **HB 322 DO PASS**. Motion failed 2-14 with **REPS. JACKSON** and **RYAN** voting aye, by roll call vote.

Motion: **REP. WAITSCHIES** moved that the vote on **HB 322 BE REVERSED** and **HB 322 BE TABLED**. Motion carried 16-0, by voice vote.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 1.3}

EXECUTIVE ACTION ON HB 278

Discussion:

REP. WITT asked if this bill could be turned into a committee bill. He stated that it is important to the grain producers of Montana.

REP. PETERSON said that he has used the state grain lab and it is very helpful, and this gives grain producers an option so they do not have to be completely reliable on the grain testers.

Motion/Vote: **REP. PETERSON** moved that **THE CONCEPT OF HB 278 BE INCORPORATED INTO A COMMITTEE BILL**. Motion carried 16-0, by roll call vote.

COMMITTEE DISCUSSION ON HJR

Motion: **REP. WAITSCHIES** moved that this committee request a House Joint Resolution to urge Congress to make disaster relief payments for the drought.

Discussion:

REP. RICE stated that they have a joint resolution drafted that will notify Congress and the President of the immediacy for drought aid.

REP. PETERSON stated that he would like include a request for an early decision on the Conservation Reserve Program (CRP) release.

REP. WAITSCHIES said that would be fine.

Motion/Vote: REP. PETERSON moved that the HJR REQUESTED BY THE COMMITTEE INCLUDE LANGUAGE ABOUT CRP RELEASE BE AMENDED. Motion carried 16-0, by voice vote.

Vote: REP. WAITSCHIES motion to request a HJR on drought aid and to include CRP release language carried 16-0, by roll call vote.

EXECUTIVE ACTION ON HB 181

Motion: REP. JACKSON moved that HB 181 DO PASS.

Discussion:

REP. JACKSON said that they removed all the problems that were in this bill from last session and it is a good bill.

REP. LENHART also stated that this is a good bill.

Motion: REP. THOMAS moved that HB 181 BE AMENDED.

Discussion:

Krista Lee Evans explained what the amendment would do.
EXHIBIT(agh14a05)

REP. JACKSON asked REP. THOMAS if there was a concern that if a pet was brought in that was suffering would there be a long delay. REP. THOMAS said that line 20 of the bill dealt with the diagnosing and not the danger of delay.

REP. SMITH asked REP. THOMAS, "What is support personnel?" REP. THOMAS said that it is an employee in a vet's office who has the same training as a vet technician. He deferred the question to Stuart Doggett, who stated that the term "support personnel" is already in statue and the bill was just recognizing what is already in law.

Motion/Vote: REP. THOMAS moved that HB 181 BE AMENDED. Motion carried 16-0, by voice vote.

Motion/Vote: REP. PETERSON moved that HB 181 DO PASS AS AMENDED. Motion carried 16-0, by voice vote.

EXECUTIVE ACTION ON HB 47

Motion: REP. LAMBERT moved that HB 47 DO PASS.

Discussion:

REP. PETERSON said that he had a concern with the maintenance of the fence, however after talking with the sponsor he decided that the requirement of 75% of the landowners approval to establish a herd district was adequate. He will be voting for this bill.

REP. LAMBERT asked REP. PETERSON if he discussed with the sponsor why it only takes 55% of the landowners to dissolve a herd district. REP. PETERSON said that the sponsor chose not to address the dissolving issue in this bill.

Vote: Motion carried 15-1 with REP. ANDERSEN voting no, by voice vote.

ADJOURNMENT

Adjournment: 4:30 P.M.

REP. DIANE RICE, Chairman

LISA GALLAGHER, Secretary

DR/LG

EXHIBIT (agh14aad)